

Remarks

In the amendment, Claim 1 is amended so as to include the feature that the diagonal ribs are provided within the two hollow projecting sections as described in the underlined portions of the amendment above and, at the same time, a hollow portion of said hollow side panel section and hollow portions of said two hollow projecting sections are connected while each of said connected hollow portions are divided by said diagonal ribs as also described in the underlined portions of the amendment above. These amendments were made so as to describe the construction showing in FIG. 8 of the description of the present application. The Interview Summary stated that the “Examiner has indicated that Applicant may wish to amend the claim language to more specifically define the ‘hollow projections’, (i.e., insert language fully defining the specific features of the hollow projections versus the side panel), as is shown for example in, FIG. 9 of the instant application.” However, as described from line 25 of page 13 to line 12 of page 14 of the description of the present application, FIG. 9 shows an unfavorable case in which the corner section 62 of the projecting section 60 tends to become rounded because of the lack of the diagonal ribs as shown in FIG. 9 and this tends to make the concrete placing surface 51 not flat when the form panels 50 are installed. In contrast, FIG. 8 shows a favorable case using a diagonal rib in order to maintain the corner section 62 of the projecting section 60 nearest the concrete placing surface 51 as a sharp angle as well as preventing a deformation of the projecting section 60. Therefore, Claim 1 is further limited in order to limit this more favorable construction by the above amendments.

The Final Office Action objected to claims 1-9 under article 112 paragraph 2 as being indefinite. Since the article 112 paragraph 2 objections were made for specific phrases of claims, arguments will be described for objections 1-5 as below.

Article 112 paragraph 2 objections 1:

Claim 1, line 6, “both side edges” lacks an appropriate antecedent within the claim. Therefore, it is not clear as to what “both side edges” refers. ==> “both side edges” is limited by “of an outside surface of at least one of said side panel sections” which follows right after the “both side edges.”

Article 112 paragraph 2 objections 2:

Claim 1, line 8, “the side surfaces” lacks an appropriate antecedent within the claim. Therefore, it is not clear as to what “the side surfaces” refers. ==> “side surfaces” should not have an antecedent. Therefore, please delete “the” right before the “side surfaces” of line 8 of Claim 1.

Article 112 paragraph 2 objections 3:

Claim 1, line 9, “said sheathing section side” lacks an appropriate antecedent within the claim. Therefore, it is not clear as to what “said sheathing section” refers. ==> An antecedent of the “said sheathing section” is “a hollow sheathing section” of line 2 of Claim 1. Therefore, “said sheathing section side” means “a side where said sheathing section exists.” In order to

make the phrase easier to understand, please amend “said sheathing section side” to “a side where said sheathing section exists.”

Article 112 paragraph 2 objections 4:

Claim 3, line 4, “the side surfaces” lacks an appropriate antecedent within the claim. Therefore, it is not clear as to what “the side surfaces” refers. ==> An antecedent of the “side surfaces” is “side surfaces of one of said two hollow projecting sections” of line 8 of Claim 1 as amended in the objection 2 above. However, in Claim 3, it is further limited by a phrase “which face each other.”

Article 112 paragraph 2 objections 5:

The language of Claim 11 does not appear clear. Particularly, it is not understood as to what is being defined by “...wherein a portion of the space for conserving leaked concrete is formed as a V-shaped groove when viewed in cross-section and acts as a guiding groove for a tip of a drill used when forming an insertion hole for inserting a separator”. Does the V-shaped groove form part of the claimed form panel? Or, is it V-shaped groove formed only when a plurality of form panels are aligned one with another?

==> In line 1 of Claim 11, “wherein said form panel is configured to form spaces between adjacent panels,” described that the space is formed between adjacent form panels. Therefore, from the description of Claim 11 as it is now, it is understood that the space is formed between

adjacent panels, meaning the V-shaped groove formed only when a plurality of form panels are aligned with one another.

Article 103(a) objections:

Objection 2 of the Final Office Action stated that Claims 1, 4-8, 10 and 11 are rejected under article 103(a) as being unpatentable over Myers et al. (US 6,283,439 B1) in view of either of Japanese reference JP11-182029 and Japanese reference JP9-151602, which both disclose utilization of form panels having a hollow sheathing portion and hollow side panel sections. And therefore, the Final Office Action further stated that to have formed the Myers et al. form panel of a plastic material with a hollow sheathing portion 12/14 and hollow side panel sections 16, thus providing a sturdy form panel which may be resistant to weathering or corrosive action, would have been obvious.

However, the following two kinds of prior art i.e. Myers et al. and both of JP11-182029 and JP9-151602 teach the opposite. First of all, it is not appropriate to form the projecting sections of Myers et al. (20, 23) as a hollow structure, as disclosed both in JP11-182029 and JP9-151602, considering the role of the projecting sections of Myers et al. (20, 23). In other words, as shown in FIG. 3 of Myers et al., the projecting sections of Myers et al. (20, 23) exist in order to form enough space in which a thin tie 48, which connects adjacent form panels, is accommodated between adjacent form panels (see lines 1 to 3 of column 5 of Myers et al.). Therefore, the space formed between adjacent form panels does not need to be large in the Myers et al. case. And second, the idea of making the projecting sections as a hollow structure is only

reached when a space between the two projecting sections needs to be larger, just like the present invention needs the space to become larger because the space is used to conserve leaked concrete. Furthermore, if the projecting sections of Myers et al. (20, 23) are made as a hollow structure, it is inevitable that the height of the projecting (20, 23) becomes higher and accordingly the space between the two projecting sections becomes larger and thus it becomes inappropriate for the invention of Myers et al. which only needs the space between adjacent form panels such that the thin tie (48) is accommodated therebetween. In contrast, considering the role of the projecting sections of Myers et al. (20, 23), i.e. a portion to secure the thin tie (48) which connects adjacent form panels, the height of them should be made low by forming them with stiff materials such as metals or the like with a stiff structure which is not hollow. Accordingly, it is inappropriate to use the hollow structure disclosed in JP11-182029 and JP9-151602 in the projecting sections of Myers et al. (20, 23). Consequently, JP11-182029 and JP9-151602 teach opposite technical features from Myers et al. Therefore, the present invention cannot be obvious by combining Meyers et al. and JP11-182029 or JP9-151602.

Furthermore, there are no indications in Myers et al., JP11-182029, or JP9-151602 to combine any disclosures of them. And also, the problem the present invention solves, which is to conserve leaked concrete in a space made between adjacent form panels, is not disclosed in any of the cited prior art, and therefore, the problems to be solved by the present invention are not obvious.

Considering all the above-described arguments, Claim 1 of the present invention becomes patentably distinctive. Accordingly, all the other claims which are dependent to Claim 1 directly or in directly, become patentably distinctive as well.

Conclusion

As a result of the remarks given herein, Applicants submit that the rejections of the pending claims have been overcome. Therefore, Applicants respectfully submit that this case is in condition for allowance and request allowance of the pending claims.

If the Examiner believes any detailed language of the claims requires further discussion, he is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved.

Applicants also have submitted all fees believed to be necessary herewith. Should any additional fees or surcharges be deemed necessary, the Examiner has authorization to charge fees or credit any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,
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